

JAN 10 2011

Docket No.: 074782-0023

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 53080
Takahiro NAGAI, et al.	:	Confirmation Number: 1179
Application No.: 10/553,385	:	Tech Center Art Unit: 2447
Filed: October 19, 2005	:	Examiner: Jaren M. MEANS
For: MULTI-MEDIUM INFORMATION SHARING SYSTEM	:	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's answer mailed November 9, 2010 in response to the Appeal Brief filed on August 2, 2010, wherein Appellant appeals from the Primary Examiner's rejection of claims 1-20.

Grounds of Rejection to Be Reviewed By Appeal

1) Claims 1-2, 6, 9, 11-12, 16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enoki et al. (US 5,873,085) in view of Lui ("Interoperability of Peer-To-Peer File Sharing Protocols", ACM SIGecom Exchanges, Vol. 3, No. 3, August 2002, pages 25-33), and further in view of Goodman et al. (U.S. Publication No. 2003/0177246 A1).

2) Claims 3, 4, 7-8, 10, 13, 14, 17-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enoki et al. in view of Lui, and Goodman et al. and further in view of Yang B ("Comparing Hybrid Peer-To-Peer Systems").

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Reply to the Examiner's Answer

At issue is, at a minimum, whether Goodman discloses *"a server transmitting unit configured to send the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information"* of claim 1 and the step of *"sending the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information"* of claim 11. In the Examiner's Answer, the Examiner asserted that FIG. 4 of Goodman discloses the aforementioned features of claims 1 and 11. Appellant respectfully disagrees.

As recited by claim 1, a server receiving unit receives a request including an identifier from the first terminal device. When the first terminal device retains multimedia information, the server transmitting unit sends the network address of the second terminal device to the first terminal device. Similarly, when the second terminal device retains the multimedia information, the server transmitting unit sends the network address of the first terminal device to the second terminal device. Then, the multimedia information is transmitted, received and shared between the first and second terminal devices by referring to the network addresses provided. In other words, when the first terminal device retains multimedia information, the first terminal sends the multimedia information to the second terminal device, which is a push-type information sharing process. Such a push-type information sharing process is not disclosed in Goodman.

In this regard, although the claims does not expressly utilize the term "push-type," the process performed by the server as recited by claim 1 and the method of claim 11 clearly describe a push-type information sharing process. Appellant respectfully submits that the claimed subject matter as well as the prior art must be considered as a whole when imposing the rejection under 35 U.S.C. § 103 (see, M.P.E.P. § 2141.01). Appellant submits that the claimed subject matter is directed to a push-type

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process when considered as a whole, while the technologies disclosed by Goodman are directed to a pull-type process when considered as a whole.

Appellant respectfully submits that the Examiner appears to fail to correctly consider the limitation "when the first terminal device retains multimedia information," as recited by claims 1 and 11. On page 27 of the Examiner's Answer, the Examiner asserts, referring to paragraph [0047] of Goodman, that:

"If a particular resource in a particular client is desired as a result of the search (when the first terminal device retains the multimedia information), then the SEARCH and GET request processor packages the resource identification along with credential information into a GET request and sends the GET request to the corresponding client (in this case the first terminal device)."

"Thus, a second device is sending its network address to a first device together with a search request in order to obtain multimedia information which the first device is in possession of or continuing to use (retains) (emphasis added)"

However, Appellant submits that the Examiner's understanding of Goodman is erroneous. If, as the Examiner stated, the alleged first terminal device retains the multimedia information and the GET request is sent to the corresponding client (i.e., the alleged first terminal device), such a process is a "pull-type" process. In fact, paragraph [0047] of Goodman discloses as follows:

[0047] The client of FIG. 4 may also initiate SEARCH and GET requests. When a SEARCH request is initiated, the terms of the search are received typically from an operator of the client. The SEARCH and GET request processor 430 packages the terms of the search along with the credentials of the client 432 including a client ID and password as well as its IP address. The search request is then communicated to clients having an IP address included in its seed list 434, seed list 434 having IP addresses received from server 102. Credentials 432 are used in the aforementioned authentication and authorization processes. If a particular resource in a particular client is desired as a result of the search, then the SEARCH and GET request processor 430 packages the resource identification along with credential information into a GET request and sends the GET request to the corresponding client (emphasis added).

From this description, it is clear that the client which initiate a SEARCH request does not possess a resource (if it did possess the resource, the SEARCH request has no meaning). As a result of the search, a particular resource in a particular client may be found. In such a case, a GET request is sent

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to the client which retains the particular resource. In other words, in Goodman, when a client (e.g., the first terminal device) does not retain a resource, the GET request including an IP address of another client which retains the resource (e.g., the second terminal device) is sent to such another client (i.e., the second terminal device) which retains the resource. This process is clearly a pull-type process and different from the process in claims 1 and 11, which is a push-type process. As such, it is clear that Goodman fails to disclose “a server transmitting unit configured to send the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information” of claim 1, or the step of “sending the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information” of claim 11.

Based on the foregoing, Appellant respectfully submits that claims 1 and 11 are patentable over the cited references.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hurtness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, since independent claims 1 and 11 are patentable over the cited references, dependent claims 2-10 and 12-20 are also patentable over the cited references for at least the same reasons as claims 1 and 11.

Further, Appellant respectfully submits that the features of each of claims 2-10 and 12-20 are not disclosed by the cited references, claims 2-10 and 12-20 are patentable over the cited references on their own merit in addition to the dependency upon claims 1 and 11, respectively.


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Conclusion

For all of the foregoing reason, Appellant respectfully submits that the grounds of rejection of the claims on appeal are in error and should be reversed.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Takashi Saito
Limited Recognition No. L0123

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/TS/
Facsimile: 202.756.8087
Date: January 10, 2011

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